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October 5, 2004

The Honorable Mark L. Wolf
United States District Judge
United States District Court
for the District of Massachusetts
John Joseph Moakley Courthouse
1 Courthouse Way
Boston, Massachusetts 02210

Re: In re Columbia University Patent Litigation, MDL No. 1592

Dear Judge Wolf:

This law firm represents Columbia University in connection with the above-referenced multidistrict litigation. We understand that, late last night, Biogen and Genzyme filed an unauthorized sur-reply in connection with the pending motion to dismiss for lack of subject matter jurisdiction. Particularly given that Columbia's reply was filed one week ago today, and that the hearing on the motion to dismiss will take place tomorrow, we believe that it is highly inappropriate for plaintiffs to be filing additional briefing neither authorized by the Local Rules nor requested by the Court. We respectfully request that the Court deny Biogen and Genzyme leave to file their sur-reply.

Very truly yours,



David I. Gindler

cc: Counsel of Record for Plaintiffs